

en 3731



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Philip B. Sample

Art Unit : 3731

Serial No. : 10/058,122

Examiner : Jessica R. Baxter

Filed : January 29, 2002

Title : TISSUE CUTTING INSTRUMENT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO ACTION OF MAY 31, 2005

In response to the Office Action of May 31, 2005, Applicant clarifies that claims 1-3, 5-30, 33, and 37 read on the elected species 2(a) and subspecies 3(a)(i), 3(b)(i), 3(c)(i), and 3(d)(ii), and explains below how these claims are generic to one or more of the species and subspecies.

Claims 1, 2, 5, 6, 11-13, 16-19, 21, 23, 27, and 37 are generic to all species and subspecies.

Claim 3 is generic to all species and subspecies except for subspecies (3)(a)(ii).

Claims 7-10, 20 and 22 are generic to all species and subspecies except for subspecies (3)(b)(i). Applicants note that subspecies 3(b)(i) and 3(b)(ii), as set forth by the Examiner, are not separate subspecies. To clarify this, Applicant has amended the dependency of claims 7 and 20 in a preliminary amendment being filed concurrently with this reply.

Claims 14, 24, and 25 are generic to species 2(a) and to all subspecies.

Claims 15, 28, 29, and 30 are generic to all species and subspecies except for subspecies 3(c)(ii) and 3(c)(iii).

Claim 26 is generic to species 2(a) and to all subspecies except for subspecies 3(c)(ii) and 3(c)(iii).

Claims 28 and 33 are generic to all species and subspecies except for subspecies 3(d)(i).

Applicant maintains his traverse of the election of species requirement. The features identified as subspecies and identified by Roman numeral in paragraph 3 do not in all instances indicate separate subspecies.

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No fees are believed to be due. Please apply any other charges or credits to deposit
account 06-1050.

Respectfully submitted,

Date: 6/28/2005



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